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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,501

08/26/2003

Gareth B. Evans

84588F-P

5884

7590

08/24/2004

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EXAMINER

RUTLEDGE, DELLA J

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/649,501

Applicant(s)

EVANS ET AL.

Examiner

D. Rutledge

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Indicated Allowability Withdrawn*

1. The indicated allowability of claims 8 and 9 is withdrawn in view of the newly discovered reference(s) to Layne (US 3,662,660). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam (EP 0 908 767) or Kurematsu (JP 2-079841) in view of Layne (US 3,662,660).

The primary references disclose processing a material in an apparatus having a planar inclined surface along which the material is passed. There is an inlet for the introduction of the processing liquid at the upper part of the processing section. (In Adam there is an inclined plane 14, material 16 and solution entering a area of rollers 20; for Kurematsu there is an inclined surface 20, material P, and solution enters at 21A, 21B, 21C). Neither reference discloses an inclined surface having a velvet or felt resistance material.

Layne discloses a material processing apparatus with processing solution flowing by gravity down the material and discloses using a wettable material such as felt or fabric to cause the processing solution to wet and cling to the wettable material. Thus, it already known to use fabric such as felt or velvet to act as a resistance to the flow of a liquid, therefore, one of ordinary skill in the art at the time the invention was made would

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have been motivated to use wettable material with the Adam or Kurematsu apparatus to control the flow of the solution through the processing apparatus, to control the contact time of the solution with the material to be processed and to control uniformity of development.

### ***Allowable Subject Matter***

4. Claim 10 is allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest using a resistance material comprising closely packed spheres in a material processing apparatus for washing substances from a coated surface of a material.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Earle et al. reference belonging to the assignee of the present application discloses on page 2 that: "The film 6 is also agitated when the plunger 1 is reciprocated up and down over the development time. The agitation can be further embellished by placing materials known to provide a physical rubbing action on the tank wall. Such materials need to be chosen to achieve the agitation without imparting physical damage to the emulsion surface to be processed. These can be any known conventional materials such as fine nylon mesh coated with pvc, velvet plush as found in film cassettes or plushes typically found on

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porous pads used in photographic processing. These are examples only and it will be understood by those skilled in the art that the invention is not limited to such materials.

***Response Data***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Rutledge whose telephone number is (571) 272-2127. The examiner can normally be reached on Mon - Thurs, 6:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
D. Rutledge  
Primary Examiner  
Art Unit 2851

dr  
8/21/2004